

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED

for the

Western District of Texas

2010 NOV 15 PM 4:07

United States of America
v.
MARTHA LETICIA RODRIGUEZ

Case No.

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

A-10-M-869

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 06/05/2008 and 04/16/2010 in the county of TRAVIS in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section

42 USC Section 408(a)(7)(B)
18 USC Section 1035(2)(A)(2)

Offense Description

Social Security Number Misuse
False Statements Related to Healthcare Matters

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.


Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/10City and state: AUSTIN, TX


Judge's signature

ROBERT PITMAN

U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

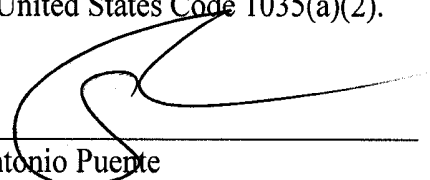
I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste, and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations of identity theft statutes under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes. I have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Martha Leticia Rodriguez (hereafter referred to as RODRIGUEZ) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2). Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. Certified Nurse's Aides (CNAs) Licensing: Individuals seeking to become CNA's in Texas must complete an approved nurse aide training and competency evaluation program and pass the competency evaluation program examination. CNA education programs cover subjects such as basic nursing principles, patient rights, effective communication, job safety, anatomy and medical terminology, ethics, observation and reporting. Prior to obtaining a passing score on the exam, the student must submit a Texas Nurse Aide Testing Program Application for Registration by Examination. The form is completed and signed by both the individual seeking to become a CNA and the Texas Department of Aging and Disability Services (DADS) approved Nurse Aide Training and Competency Evaluation Program (NATCEP) training facility. The form contains among other information; the applicant's full name, social security account number (SSAN), date of birth, mailing address, education level of the applicant, and nurse aide experience. This investigation has revealed that on or about June 5, 2008, RODRIGUEZ completed and signed the Texas Nurse Aide Testing Program Application for Registration by Examination.
4. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or

fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that RODRIGUEZ was one of the twenty-eight individuals that had obtained employment as a CNA with the PNHRC. The PNHRC is a nursing home facility which bills both the federal Medicare and the state Medicaid program for health care services rendered to patients residing there. I was provided copies of the documents RODRIGUEZ provided when applying for employment. A review of these documents revealed that as a part of the application process, RODRIGUEZ provided three forms of identification including a Social Security Card (XXX-XX-7009), Texas Department of Public Safety Driver License (#19578730), and a Texas Department of Aging and Disability Services Texas Nurse Aide Registry Certification listing the name Martha L. Rodriguez and Social Security Account Number (SSAN) XXX-XX-7009.

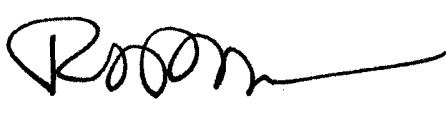
5. On November 10, 2010, I received the Texas Nurse Aide Testing Program Application for Registration by Examination completed and signed by RODRIGUEZ and dated June 5, 2008. A review this document revealed that RODRIGUEZ provided the same SSAN (XXX-XX-7009) on this application, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to her. Further review of the document revealed that RODRIGUEZ provided two forms of identification to the D. Diamond Healthcare Services LLC, a DADS approved NATCEP training facility; a Social Security Card (XXX-XX-7009) and a Texas Department of Public Safety Driver License (#19578730); and photocopies were made of these documents and submitted to DADS along with the application. The Social Security Card listed the name Martha L. Rodriguez and SSAN XXX-XX-7009. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.
6. On November 12, 2010, I also received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated on April 16, 2010 by RODRIGUEZ. A review theses documents revealed that RODRIGUEZ provided the same SSAN (XXX-XX-7009) on both these forms, claiming that the COSS issued the SSAN to her. The PNHRC made a photocopy of the Social Security Card RODRIGUEZ provided bearing the name Martha L. Rodriguez and SSAN XXX-XX-7009. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.
7. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the COSS but the SSAN was not issued to RODRIGUEZ . The systems searches further revealed that the SSAN was originally by issued in June 1945, to an individual named R. Forbes.

8. RODRIGUEZ fraudulently used SSN XXX-XX-7009 by providing false information on Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9), Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4), and on the Texas Nurse Aide Testing Program Application for Registration by Examination.
9. On or about June 5, 2008, RODRIGUEZ, did knowingly and willfully falsify, conceal, and made materially false, fictitious, or fraudulent statements or representations, and used materially false writing or documents knowing that the same contained materially false, fictitious, and fraudulent statements and entries that were in connection with the delivery of or payment for a health care benefit program, in violation of Title 18 United States Code 1035(a)(2).
10. On or about April 16, 2010, RODRIGUEZ, did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to her, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to her, in violation of Title 42, United States Code, Section 408(a)(7)(B).
11. Based on the forgoing, I submit that sufficient probable cause exists to believe that Martha Leticia RODRIGUEZ has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2).



Antonio Puente
Special Agent
Social Security Administration
Office of the Inspector General
Office of Investigations

Sworn to before me and subscribed in my presence.



U.S. Magistrate Judge